# **EXHIBIT C**

Turner

Turner Construction Company 620 Liberty avenue Two PNC Plaza, 27<sup>th</sup> Floor Pittsburgh, PA 15222 Office: (412) 255-5400 Fax: (412) 255-0249

June 18, 2014

## VIA E-MAIL & FEDERAL EXPRESS

Mr. Fred Episcopo, President Wyatt, Inc. 4545 Campbells Run Road Pittsburgh, PA 15205

Re: Notice of Default

Biometric Technology Center FBI CJIS Division Complex, Clarksburg, WV (the "Project") Subcontract Agreement No. 019 – Wyatt, Inc.

Dear Mr. Episcopo:

We write pursuant to the subcontract between Turner Construction Company ("Turner") and Wyatt, Inc. ("Wyatt"), dated as of April 14, 2011, in connection with the referenced Project (the "Subcontract").

Turner continues to express concern with manpower and continued lack of progress and addressing available work areas. Please see our previous correspondence sent on 6/6/14 & 6/10/14 (attached).

Furthermore, the following areas remain available for work without appropriate manpower and are impacting others from completing their work as well:

- Plenum walls in AHU rooms 2<sup>nd</sup> -4<sup>th</sup> floors
- Framing in secondary lobby \*
- Sealing perimeter access floor floors 1-4 floors
- Access floor in DOD
- Drywall / finishing in locker rooms
- Taping / Finishing Stair C (1<sup>st</sup> 2<sup>nd</sup>)
- Framing Stair C (1<sup>st</sup> basement)
- Framing in Kitchen \*
- Ceiling grid in Kitchen \*
- Framing in Dining \*
- Access floor east main street \*
- Drywall / finishing executive office area 1<sup>st</sup> floor D
- Framing at main lobby \*
- Finishing east of main street \*
- Drywall / finishing elevator lobbies 2<sup>nd</sup> 4<sup>th</sup> floor
- Hold to dimensions for Advantage Glass

### Case 1:16-cv-00058-IMK Document 1-3 Filed 04/06/16 Page 3 of 10 PageID #: 33

Wyatt, Inc June 13, 2014 Notice of Default Page 2

- Finishing / ceiling grid space adjacent to DOD (Wyatt's office) to allow resinous flooring / access floor / wall framing to occur.
- Finishing in stair B/D/C flooring start after 4<sup>th</sup>
- Parking Garage ceilings in Building 9A stairwells.

Upcoming work (next 2-3 weeks contingent on inspections and incomplete quality control pre-inspections by Wyatt)

- Drywall / finishing east main street \*
- Drywall / finishing main lobby \*
- Drywall / finishing Kitchen \*
- Drywall / finishing secondary lobby \*
- D/F/H install floor 2-4
- Stair 6 framing
- Fabric panel install floors 2-4
- Framing of tunnel ceilings
- Metal ceilings 2-4
- Framing main street / skylights \*
- Ceiling Tile 1<sup>st</sup> floor D/C
- Testing of access floor

In light of the foregoing express and unequivocal abandonment of Wyatt's contractual obligations to, among others, provide "a sufficiency of skilled workers or materials of the proper quality or quantity," and/or Wyatt's failure to "prosecute the Work with promptness and diligence," pursuant to Subcontract Article XVII, Turner hereby declares Wyatt to be in material default of its Subcontract obligations and upon the expiration of three days from the issuance of this notice, Turner shall exercise our rights under Article XVII of the Subcontract and proceed to supplement Wyatt in the performance of The Work. Turner intends to focus this supplemental labor initially on the 1<sup>st</sup> floor areas that were impacted by the soil settlement damages (denoted by an \* above) and any other areas that are holding up the work of other trades.

Turner demands that Wyatt indemnify, hold harmless and defend Turner from and against any and all claims, demands, suits, damages, judgments, liabilities, costs and expenses (including without limitation, legal fees and disbursements) arising out of or related to Wyatt's breaches of the Subcontract.

Turner reserves all of its rights and remedies pursuant to the Subcontract and under law and nothing herein should be construed so as to waive or prejudice Turner's rights in any respect.

Very truly yours,

TURNER CONSTRUCTION COMPANY

Joe Milicia

General Manager



Turner Construction Company 620 Liberty Avenue Two PNC Plaza, 27th Floor Pittsburgh, PA 15222 Office: (412) 255-5400 Fax: (412) 255-0249

June 6, 2014

Mr. Fred Episcopo President Wyatt, Inc. 4545 Campbells Run Road Pittsburgh, PA 15205

RE:

FBI BTC Phase II Project

Progress of Work / Manpower Concerns

#### Dear Fred:

Turner Construction would like to take this opportunity to advise Wyatt of our continued concern of Wyatt's ability to prosecute the work in accordance with our agreement. Wyatt has continually failed to prosecute the work as defined in Article XVII of our agreement. We have summarized the status of work below and are directing Wyatt to provide a plan of recovery at no cost to Turner Construction to eliminate the backlog of your work and put it back on schedule within 72 hours:

The plan should include at minimum increase manpower in such quantities as will eliminate the backlog of work and put your work back on schedule. Any required material and equipment should also be expedited to eliminate backlog of work and put your work back on schedule. If Wyatt fails to provide and implement plan as requested Turner will take appropriate action involving contractual commitments.

The following work activities by Wyatt need immediate attention as they are negatively impacting the ability of other contractors to complete their work.

- Duct Liner at mechanical rooms on floors 2, 3, 4 should be complete by 6/9/14 current progress is negatively impacting the building control systems
- Plenum walls at mechanical rooms on floors 2, 3, 4 should be complete by Wyatt
   6/13/14 current progress is negatively impacting the building control systems
- Secondary lobby framing should be complete by 6/17/14 current progress is negatively impacting MEPFP rough in, subsequent drywall / finishing by Wyatt and finishing and the release of long lead time glass entrance doors. This is also potentially jeopardizing start of terrazzo flooring.
- Kitchen remediation work (PCO 442), kitchen ceiling grid should be complete by 6/13/14 with dining ceiling framing in progress - current progress is negatively impacting start of tile, delivery of kitchen equipment, MEPFP rough in and subsequent drywall / finishing.
- Sealing of perimeter access floor on floors 1,2,3,4 remains incomplete and mockup to address the defective work has not been completed - current progress of the work is

- negatively impacting PNA completion of their perimeter exterior trim. They have demobilized from site due to lack of work.
- Completion of drywall and finishing in stairs should be complete by 6/17/14 current progress is negatively impacting painting, MEP trim and start of flooring
- Access floor in DOD area is available for work and should complete 6/17/14
- Wyatt will confirm their work east of Main Street will continue at their current progress to complete all drywall, bulkheads, and ceiling grid by the end of June in accordance with the most recent plan of completion
- Locker rooms in the basement are available for drywall hanging and finishing work should be complete 6/20/14

The list provided above does not intend to be an all-inclusive list of the work available for Wyatt to complete but a general list of the major items for which Wyatt work is not being progressed in accordance with our agreement and which is negatively impacting other contractors and the overall project completion.

Wyatt will be held responsible for all costs impacts to Turner Construction and other subcontractors associated with your failure to prosecute your work in accordance with our agreement. We anticipate and appreciate your immediate attention to our concerns.

Turner reserves all rights and remedies pursuant to the subcontract and under law and nothing herein should be construed so as to waive or prejudice Turner rights in any respect.

Feel free to contact me with any questions or comments.

Very truly yours,

TURNER CONSTRUCTION COMPANY

Kurt Johnson

Senior Superintendent

cc: B. Hennessey, L. Theiser, K. Johnson, M. Tuckwiller, F. Dickson, A.Hinds, J. Milicia, File



Turner Construction Company Two PNC Plaza 620 Liberty Avenue, 27<sup>th</sup> Floor Pittsburgh, PA 15222-2719 phone: 412-255-5400 fax: 412-255-0249

June 10, 2014

Mr. Jim Blint Wyatt Incorporated 4545 Campbells Run Road Pittsburgh, PA 15205

Re:

FBI BTC Phase II Project

Progress of Work on Levels 2-4

Dear Mr. Blint,

Please see the attached notice from Bell concerning progress of work related to plenum walls in mechanical rooms. Also, see attached email to your attention on June 5<sup>th</sup> noting this same issue. Turner has advised Wyatt on numerous occasions concerns with the progress of this work.

Wyatt's inability to install this work in a timely manner has a potential to impact the progress of the project. All costs incurred by Turner related to this issue will be tracked and forwarded to Wyatt as a deductive change order to your contract.

Please contact this office with any concerns regarding this matter.

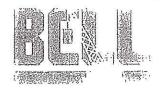
Respectfully.

TURNER CONSTRUCTION COMPANY

Monty Tuckwiller

Project Engineer

Cc: K Johnson, B Hennessey, L Thesier, F Dickson, R Revis, A Hinds, C Oslosky, file



1340 Lexington Avenue - Rochester New York 14606 - Phone (585) 277-1000 - Fax (585) 277-1097

Tune 1 2011

1 IR/BC 1CC 0820

Lance Thesier PAL Furner Construction 1000 Custer Hollow Rd Clarksburg, WV 26306

RE: FRI-Biometric Technology Center (BTC)
Subject Plenum Walls at Mechanical Room
Mi. Thesier

Bell and our controls subcontractor Honeywell must resterate our concerned with the lack progress of the plenum walls at the AHU rooms at Levels 1 through 4. Honeywell has a significant amount of work in these rooms once the raised floors and plenum walls have been completed. The longer it takes to complete these walls the longer it will be before the controls are complete and the AHU's and the associated air control devices are wired and functional. The project schedule issued at this week's meeting shows this work pushing further out about two weeks at levels 2 and 3 and now have all 4 levels being complete for controls within the a two week period, which will interrupt the flow of the controls work and push out your end date

The plenum wall work has started on level ? with only one of the four rooms framed. Based on your schedule all four of the rooms are to be framed by tomorrow June 6<sup>th</sup> which is unlikely. In the schedule issued this week Turner added 17 days to the plenum wall activities which will delay the start of the controls work for level 2 until July 7<sup>th</sup> at the earliest

The schedule issued shows that the level 3 plenum walls framing would to start today and the framing for the walls at level 4 will start next Tuesday the  $10^{th}$ . With three more rooms to frame on level 2 it is unlikely that that work will get underway as scheduled further delaying the controls work.

The interior schedule issued on Tuesday shows the plenum wall work pushed out to June 27<sup>th</sup> from June 10th at level 2. July 7<sup>th</sup> from June 24<sup>th</sup> at Level 3. July 10<sup>th</sup> from July 8<sup>th</sup> at Level 4, and level one remains about the same at July 7<sup>th</sup>, please note that the controls work which is still not shown on the schedule must follow these walls and will complete well beyond the July 1<sup>st</sup> date shown for the completion of work for Levels 2 through 4. Due to the schedule changes and current progress there is no flow to the controls work and all floors are being delivered within the same two week period. Once these panels are installed and wired, check out still has to occur Check will require Honeywell to be underfloor and above ceiling throughout each level.

Due to a lack of work available to Honeywell at this time as these rooms are not available for them they are considering a workforce reduction. Turner needs to prioritize the plenum wall work at the AHU rooms in order to give the controls contractor the opportunity to get their work



done without acress interruption. The controls work which is not shown on your schedule is critical to the project completion. The comments made at the meeting on Tuesday that the controls controls contractor working out of sequence due to the lack of the walls at the AHU rooms would be then responsibility is unacceptable. Bell sent a letter stating our concerns back on Max 15th and we have seen little or no progress which is of great concern.

Please event all efforts to my to recover as much time as possible in the construction of these plenum walls. If you have any questions or require additional information please contact as as once as we would like close out this issue without further delay.

Pat Nugent PM

cc lile

## Tuckwiller, Wontgomery - (PIT)

From:

Hinds, Adam M - (PIT)

Sent:

Tuesday, June 10, 2014 1:50 PM Tuckwiller, Montgomery - (PIT)

To: Subject:

FW: AHU Room Plenum Wall Schedule Concerns

Attachments:

20140605105910283.pdf

Importance:

High

----Original Message----

From: Hinds, Adam M - (PIT)

Sent: Thursday, June 05, 2014 11:24 AM To: 'Jim Blint' (jblint@wyattinc.com)
Cc: Matt Ayres; Oslosky, Chris - (PIT)

Subject: FW: AHU Room Plenum Wall Schedule Concerns

Importance: High

Jim,

See attached letter from Bell regarding the progress of AHU plenum walls. This needs immediate attention by Wyatt as it has been a month since the work started with no rooms completed to date. Additional manpower is necessary to be completing installation on floors 2-4.

#### Adam

----Original Message----

From: Mike Duffy [mailto:mduffy@thebellcompany.com]

Sent: Thursday, June 05, 2014 10:48 AM

To: Thesier, Lance W - (PIT)

Cc: Pat Nugent; Hinds, Adam M - (PIT); Cogley, Wallace - (PIT); Chris Appling; Southern, Bert

Subject: FW: AHU Room Plenum Wall Schedule Concerns

Here is a letter on schedule concerns

Mike Duffy
New England Regional Manager
mduffy@thebellcompany.com
585-208-8544 (c)

Visit our new website www.thebellcompany.com

For up to date information about career opportunities.

----Original Message-----

From: FBlcopier@thebellcompany.com [mailto:FBlcopier@thebellcompany.com]

Sent: Thursday, June 05, 2014 10:59 AM

To: Mike Duffy

Subject: Message from "RicohMPC2051"

This E-mail was sent from "RicohMPC2051" (Aficio MP C2051).

Scan Date: 06.05.2014 10:59:10 (-0400)

Queries to: FBIcopier@thebellcompany.com